## Particularism NC

### NC

#### Universal rules fail. Any application of rules can never be verified because rules are indeterminate, as they require prior knowledge to understand them, which can never be the basis for truth.

**Kripke** “Wittgenstein on Rules and Private Language” by Saul A. Kripke Harvard University Press Cambridge, Massachusetts 1982

“Normally, when we consider a mathematical rule such as addition, we think of ourselves as guided in our application of it to each new instance. Just this is the difference between someone who computes new values of a function and someone who calls out numbers at random. Given my past intentions regarding the symbol ‘+’, one and only one answer is dictated as the one appropriate to ‘68+57'. On the other hand, although **a**n intelligence **tester may suppose** that there is **only** **one** possible **continuation to** the sequence **2, 4, 6**, 8,…, mathematical and philosophical sophisticates know that **an indefinite number of rules** (even rules stated in terms of mathematical functions as conventional as ordinary polynomials) **are compatible with any such finite** initial **segment.** So if the tester urges me to respond, after 2, 4, 6, 8, . . ., with the unique appropriate next number, the proper response is that **no** such **unique number exists**, nor is there any unique (rule determined) infinite sequence that continues the given one. The problem can then be put this way: Did I myself, in the directions for the future that I gave myself regarding [plus] ‘+’, really differ from the intelligence tester? True, I may not merely stipulate that [plus] ‘+’ is to be a function instantiated by a finite number of computations. In addition, I may give myself directions for the further computation of [plus] ‘+', stated in terms of other functions and rules. In turn, I may give myself directions for the further computation of these functions and rules, and so on. Eventually, however, the process must stop, with ‘ultimate’ functions and rules that I have stipulated for myself only by a finite number of examples, just as in the intelligence test. If so, is not my procedure as arbitrary as that of the man who guesses the continuation of the intelligence test? In what sense is my actual computation procedure, following an algorithm that yields ‘125’, more justified by my past instructions than an alternative procedure that would have resulted in ‘5'? Am I not simply following an unjustifiable impulse?" Of course, **these problems** apply throughout language and **are not confined to math**ematical examples, though it is with mathematical examples that they can be most smoothly brought out. **I think** that I have learned the term **'table'** in such a way that it will **[to] apply to indefinite**ly many **future items.** **So** **I** can **apply the term** to a new situation, say **when I enter the Eiffel Tower** for the first time and see a table at the base. **Can I answer a sceptic who supposes that by `table'** in the past **I meant tabair, where** a **'tabair' is anything that is a table not found at** the base of **the Eiffel Tower**, or a chair found there?. .” (17-20)

#### If ethics cannot be based on rules, the ethical project must begin with practices. Unlike rules, practices are followed based on socially accepted procedures, as opposed to an indefinite number of rules.

**Mouffe** “The Democratic Paradox” by Chantal Mouffe 2000

“This reveals that procedures only exist as complex ensembles of practices. Those **practices** constitute specific forms of individuality and identity that **make possible** the allegiance to the **procedures. It is because they are inscribed in shared forms of life and agreements in judgements** **that procedures can be accepted and followed. They cannot be seen as rules that are created on the basis of principles and then applied to specific cases.** Rules, for Wittgenstein, are always abridgements of practices, they are inseparable from specific forms of life. The distinction between procedural and substantial cannot therefore be as clear as most liberal theorists would have it. In the case of justice. for instance, it means that one cannot oppose. as so many liberals do, procedural and substantial justice without recognizing that procedural justice already presupposes accep- tance of anain values. It is the liberal conception of justice which posits the priority of the right over the good. but this is already the expression of a specific good. Democracy is not only a mauer of establishing the right procedures independently of the practices that make possible democratic forms of individual- ity. The question of the conditions of existence of democratic forms of individuality and of the practices and language-games in which they are constituted is a central one, even in a liberal- democratic society where procedures playa central role. **Procedures always involve substantial ethical commitments.** For that reason they cannot work properly if they are not supported by a specific form of ethos.” (68-69)

#### An ethic based in a practice instead of rules require particularism. The virtuous character does not follow a rule that precedes and guides every context. In a particular context, the virtuous character acts for the right reasons, with the right motives, and at the right time. We agree on the goodness of virtues, and the particular context determines the conditions for virtuous decision making.

**Leibowitz** PARTICULARISM IN ARISTOTLE’S NICOMACHEAN ETHICS \* Uri D. Leibowitz University of Nottingham (Forthcoming in The Journal of Moral Philosophy)

“Following Burnyeat (1980), I understand Aristotle here as engaged in a dialectical inquiry towards first principles [1]. This inquiry towards first principles, Aristotle argues, must begin with what is known to us [2]. Our starting points, I suggest, are the normative statuses of particular actions. As Burnyeat observes, “the ancient commentators are agreed that **Aristotle has in mind knowledge about actions in accordance with** the **virtues; these actions are** the things **familiar** to us from which we must start, **and** what **we know** about them is that **they are** noble or **just”** (1980:71- 72). In other words, we must start our moral theorizing from our judgments about particular actions. However, we need not know why those actions have the normative status we identify them as having [4]; one can engage in moral theorizing even if one does not know why right acts are right, as long as one can identify that they are right, or as long as one is willing to accept the judgments of “one who speaks well” as one’s starting points [6]. This is one reason why Aristotle insists that a competent student is one who has had a good moral upbringing [3]. A person who is brought up well should be able to tell apart noble acts from ignoble ones; he is expected to be able to identify courageous acts, or just acts, and he is expected to be able to tell them apart from those acts that are cowardly or unjust. One of **Aristotle’s goals** in the NE, I propose, is **[are] to teach his students why those acts they identify as right are right.** But how could one identify particular actions as right if one doesn’t know why these acts are right? **A native speaker of a language can** often **tell whether a sentence is grammatical even [if] in cases in which she does not know why it is so.** Naturally, only native speakers who have been “brought up well” with respect to language are able to do this correctly and reliably. Aristotle thinks that with a proper moral upbringing one can form habits that would enable one to distinguish right actions from wrong ones [5]. This is one reason why in I.3 Aristotle insists that young men are not the target audience for his lectures: “for they are inexperienced in the actions that constitute life, and what is said will start from these and will be about these” (1095a3-4, Rowe trans.). Our discussion, Aristotle tells us, concerns [with] the rightness of actions but it also starts with correct judgments about which particular actions are right. **The ability to identify right acts as right is acquired by habit**uation **and the[y]** habits we form **depend on** the kind of **moral upbringing** we get. Having correct starting points is vital to a successful dialectical inquiry; if our initial judgments about the normative status of actions are incorrect, then the first principles we discover by way of a dialectical inquiry from these judgments are likely to be false.13 In I.7 Aristotle reminds us that the appropriate degree of precision for each investigation depends on the nature of the subject matter being explored (1098a26-28). He then goes on to say this: [7] One should not demand to know the reason why, either, in the same way in all matters: in some cases, it will suffice if that something is so has been well shown, [8] as indeed is true of starting points; some are grasped by induction, some by perception, some by a sort of habituation, and others in other ways: [9] one must try to get hold of each sort in the appropriate way, and take care that they are well marked out, [10] since they have great importance in relation to what comes later. For the start of something seems to be more than half of the whole, and through it many of the things being looked for seem to become evident. (1098a33-1098b7, Rowe trans.)14 In this passage Aristotle tells us that inquiries can differ not only with respect to their appropriate degree of precision [7], but also in the way in which their starting points are obtained [8].15 Moreover, Aristotle insists that it is important to obtain the starting points for each inquiry in the appropriate way [9]. Finally, Aristotle stresses again the importance of having the correct starting points [10]. Aristotle’s goal, as I have mentioned above, is to help us understand why those acts that we identify as right—our starting points—are, in fact, right. But he warns us that **the kind of explanation we ought to seek should be appropriate to the subject** matter we are investigating [7]. In geometry we can give demonstrative explanation. But we “should not demand to know the reason why in the same way in all matters.” **Explanations of the rightness** of actions **will take** a **different form[s].** “Pure science involves demonstration,” Aristotle tells us, “while things whose starting points or first causes can be other than they are do not admit of demonstrations” (VI.5:1140a34). After reminding us in II.2 that the subject matter of **ethics lacks fixity and hence that our account will not be** very **precise**,16 Aristotle goes on to say this: “But though our present account is of this nature we must give what help we can” (1104a10, Ross trans.). What immediately follows, are Aristotle’s observations about the harmful effects of excess and deficiency and the positive effects of the proportionate amount, or the mean. These observations, Aristotle tells us, hold true for health and strength as well as for characteristics like temperance, courage, and other virtues. To act in accordance with the mean is not only the way to acquire virtuous characteristics, but is also the mark of virtuous actions. Aristotle seems to think that his comments on the mean are helpful. But what kind of help does he think these comments provide? Broadie (1991) proposes the following hypothesis: [Aristotle] could be deceived into thinking the doctrine of the mean useful in ways in which in fact it is not. This may be what happens in NE II.2, where he bewails the impossibility of giving exact rules for correct particular responses (1104a5-9); then says that he must give what help he can (1104a10- 11); and then goes on to discuss, not responses, but dispositions.” (101-2) If Aristotle had thought that his comments on the mean can help us to identify the right response in various situations, then, like Broadie, I think he was mistaken about their usefulness. However, I doubt that this is what Aristotle had in mind. Indeed, in VI.1 Aristotle explicitly tells us that he does not think that his remarks on the mean can help us to identify what we ought to do: We stated earlier that we must choose the median, and not excess or deficiency, and that the median is what right reason dictates...but this statement, true though it is, lacks clarity. In all other fields of endeavor in which scientific knowledge is possible, it is indeed true to say that we must exert ourselves or relax neither too much nor too little, but to an intermediate extent and as right reason demands. But if this is the only thing a person knows, he will be none the wiser: he will, for example, not know what kind of medicines to apply to his body, if he is merely told to apply whatever medical science prescribes and in a manner in which a medical expert applies them.” (VI.1:1138b19-35) So what kind of help are these comments on the mean supposed to provide? I propose that these remarks are meant to help us to explain why those acts that we already know are virtuous are virtuous. **If we can tell**—as we must be able to in order to obtain starting points for our ethical inquiry—**that a[n] particular act is courageous**, for instance, **we** now **know** that this action **[it] lies in the mean. So we can explain its rightness by pointing out that this act is neither excessive nor deficient.** This, of course, is a rudimentary sketch of an explanatory schema but we can now already identify the basic structure of the explanation: if an act is right, then we should be able to identify a scale on which it is neither excessive nor deficient.Aristotle recognizes that what he has given us so far is extremely undeveloped and he goes on to expound on this explanatory model in several phases. First, after presenting the bare bones of his explanatory schema, Aristotle discusses some general features of the virtues: he tells us that a mark of an action performed virtuously is that the agent of the action takes pleasure in performing the action (II.3); he distinguishes between a virtuous action and an action performed virtuously (II.4); and he identifies the genus and differentia of virtue (II.5-6). By the end of II.6 we get Aristotle’s definition of virtue: “We may thus conclude that virtue or excellence is a characteristic involving choice, and that it consists in observing the mean relative to us, a mean which is defined by a rational principle, such as a man of practical wisdom would use to determine it” (1106b35-1107a1). We now know a bit more about the proper explanation of the virtuousness of a particular action. Consider: “Why is this action of standing one’s ground in battle courageous?” The proper answer will take the following form: “This action is courageous because the agent chose to perform it, and it is located in the mean (relative to the agent)17 of some relevant scale.” What we have so far is a sketch of an explanatory schema and we must now learn how to properly fill in this schema in order to provide satisfactory explanations of the rightness of individual actions. Aristotle turns to this in II.7: However, this general statement is not enough; we must also show that it fits particular instances. For in a discussion of moral actions, although the general statements have a wider range of application, statements on particular points have more truth in them: actions are concerned with particulars and our statements must harmonize with them.” (1107a28-33) We already know that in order to explain why a particular act is virtuous we must locate this action in the mean of some relevant scale—this statement has a wide range of application—but in order to appreciate its truth, we must see how it applies to particular virtuous actions, since we are, most fundamentally, concerned with the rightness of individual actions. Aristotle, then, wants to show us that by applying his schema properly we can generate adequate explanation of the rightness of particular actions. In the remainder of II.7 Aristotle lists the various scales that are relevant to each virtue. And whenever possible he introduces the relevant vocabulary we should use in our explanation. For example, if we want to explain why an act is courageous, we should locate the agent’s emotional state while performing the action as a mean on a scale (or scales)18 of fear and confidence; the agent might be reckless if he exceeds in confidence, or cowardly if he is deficient in confidence. If we want to explain why an action is generous we should locate the action as a mean on a scale ranging from stinginess to extravagance. Aristotle goes on to list relevant scales for other virtues. Yet he is well aware that even now we have only been given a sketch—“For our present purposes, we must rest content with an outline and a summary, but we shall later define these qualities more precisely” (II.7:1107b15). By the end of II.7, if we are asked, for example, why Ms. Smith’s act of donating $100,000 to cancer research is generous, we could say that she chose to perform this action, and that given her economic and social situation, donating $100,000 to this cause was neither stingy nor extravagant. Moreover, we know that if she did not take pleasure in her generous donation, then she did not act generously. This explanatory schema does not generate deductive explanations. From the fact that Ms. Smith’s action was neither stingy nor extravagant it does not follow that her action was right or virtuous; there may have been other, more urgent, causes to which to donate, or there could have been good reasons not to donate to the particular organization that she had chosen. So explanations produced by applying Aristotle’s explanatory schema do not guarantee the truth of the explanandum.19 But as we have seen, Aristotle insists that we “should not demand to know the reason why in the same way in all matters,” and that explanations in ethics “do not admit of demonstrations.” This is why it is important for Aristotle that we already know that the action is right before we explain why it is right; that the act is right is part of the data we have at our disposal when we explain its rightness. The reading of Aristotle I propose helps us to make sense of several features of Aristotle’s work that commentators have found perplexing. First, it helps us to understand the importance of the doctrine of the mean for Aristotle’s project. Some readers of the NE are puzzled by the seriousness with which Aristotle approaches the doctrine of the mean. As Broadie (1991) puts it: Aristotle regards [the doctrine of the mean] as an important contribution, to judge by the solemnity with which he introduces it and the many pages where he strains over the details of its application. Yet the doctrine often gets a disappointed reception. It seems at first to offer special illumination, but in the end, according to its critics, it only deals with truisms together with a questionable taxonomy of virtues and vices. (95) On my reading the doctrine of the mean plays an important explanatory role which lies at the heart of Aristotle’s project. Although the doctrine of **the mean** doesn’t identify for us the features that make right actions right, it does **tell us** what a proper explanation of the rightness of a particular action should look like. **We obtain a satisfactory explanation** only when we replace the truisms about the harmful effects of excess and deficiency and the positive effects of the proportionate amount with the specific features of the action/situation; i.e., we must identify the relevant scale on which the action lies in the mean, and **we** have to **identify the mean** **relative to the agent of the action and the situation in which the act is performed.** This is why Aristotle methodically lists not only those virtues and vices that have names, but also those that do not have names, and this is why he identifies those qualities that resemble virtues but are not quite virtues. The proper explanation of the rightness of each individual action depends on the specific features of the particular act in question. “What sort of things are to be chosen and in return for what, it is not easy to state; for there are many differences in the particular cases” (III.1:1110b8, Ross trans.). **There is no algorithm** that we can use to generate adequate explanations, as Aristotle emphasizes again in III.4: “What is good and pleasant differs with different characteristics and conditions, and perhaps the chief distinction of a man of high moral standards is his ability to see the truth in each particular moral question, since he is, as it were, the standard and measure for such questions” (1113a31-34). This is why Aristotle gives us many examples of how to generate explanations by substituting the truisms in the generic explanatory schema with particular features of actions. In his discussion of courage Aristotle specifies different possible objects of fear (e.g., death, poverty, disease), and various contexts in which one could exemplify courage (e.g., in battle, at sea, in illness). **“[s]He is courageous,”** we are told, **who endures and fears the right things, for the right motive, in the right manner, and at the right time**, and who displays confidence in similar ways. For a courageous man feels **and acts according to the merits of each case** and as reason guides him.” (III.7:1115b19-20) When we explain the rightness of a particular courageous action, we must replace the hedges (“the right things,” “in the right manner,” etc.) with specific features of the action in question; **for example**, his action was courageous because **he left his family in order to join the army and he risked his life in order to protect his country when no non-military option was available to resolve the conflict.**” (7-14)

#### Thus, the standard is appealing to virtuous character clarified by the moral complexities of specific situations. To clarify, the standard is not consequentialist since that would rely on the rule of maximizing utility preceding every context that it applies to. Virtuous character requires commitment to particularistic decision making, so the rule of maximizing utility in every context cannot frame how to act virtuously. Independently prefer:

#### States must promote contextual virtuous decision-making. The alternative cannot guide action in all cases.

Silvia “VIRTUE ETHICS AND COMMUNITARIANISM” by Rui Silva, University of the Azores

“The second distinctive trait of virtue ethics is closely connected with the first one: virtue ethics is suspicious of the guiding role of principles and rules. The point was already made by Aristotle, namely in his discussion of the legal virtue of equity. Equity is required because laws and rules are too generic to accommodate all possible cases that judges can face. **No legal system can avoid** the occurrence of the so-called **hard cases**: The reason for this is that **law is always a general statement, yet there are cases which it is not possible to cover** in a general statement. [...] The material of conduct is essentially irregular. [...] This is the essential nature of the equitable: it is a rectification of law where **law is defective because of its generality.** (Nichomachean Ethics 1137b) There are, indeed, two basic problems when we try to act solely on principles. Firstly, **there is a gap between** general **principles and the unpredictable diversity of situations** that demand moral decisions; **as a result it is** often very **difficult**, if not impossible, **to** determine how to **apply a principle to certain**, atypical **situations.** In other words, it is possible to arrive at different conclusions departing from the same principles. Secondly, there can be clashes between equally valuable principles, depriving thereby the agent of action guidance. We may add that **virtue ethics**, far from endorsing moral universalism, is sensitive to the role of contextin ethics. In the words of Julia Annas (2004: 741), virtue ethics **is opposed to “one-size-fits-all” accounts** of ethics. Virtue ethics invites us to **[and] adopt[s] moral contextualism**, but it should be noted that contextualism must not be confused with relativism. After this brief presentation of virtue ethics, I will try to clarify and legitimize the idea of moral reliability, which is crucial for virtue ethics. For that purpose, the humanist idea of Bildung will be integrated in the project of virtue ethics. In a third section, I will analyse the most significant affinities between virtue ethics and communitarianism. Finally, I will claim that we can develop, with the help of the idea of Bildung, a form of virtue ethics that is not committed to strong forms of communitarianism. 2. **Because it does not conceive of** moral **judgements on the basis of deductions from principles** or decision procedures, virtue ethics is often considered as vague; **instead of focusing on** consequences or **rules,** virtue ethics **[it] is based on the** reliability of the moral **agent**, and this view may sound puzzling for modern moral philosophers. Standard formulations of virtue ethics are, indeed, somewhat vague. Let us consider, for example, the following presentation of the “fundamental premise” of virtue ethics:” (3-4)

#### First, universal claims negate. The resolution says that we ought not restrict any constitutionally protected speech, which assumes a sufficient reason for the claim, but no single reason can account for the legitimacy of preventing every instance of restriction, as per the framework. All advocacies must be made in relationship to particular instances.

#### Second, restrictions are uniquely consistent with particularism because they acknowledge that there is no one-size-fits-all policy, so restrictions are a necessary check on generalist policies. Even if they prove that restrictions violate particularism, this doesn’t turn the NC because the structure of the AFF’s advocacy still wills a general reason that applies beyond its context.

#### Third, even if the AC specifies instances where constitutionally protected speech is good, it’s still a universal application of those instances, since there are still scenarios that fall outsides of the practice. Remember, the NC doesn’t appeal to rules, and there is no universal structure to practices.

**DANCY**: “Ethics Without Principles” by Jonathan Dancy 2004

#### Deductive reasoning is like this; an inference, once logically valid, remains so no matter what one adds as a premise (even if it be the negation of one of the original premises). Brandom's [in the] example is non- monotonic, since the cogent inference in (1) is reversed by the addition of the further consideration that the match is in a strong electromagnetic field. If one allows that this sort of thing can happen, is one therefore a holist in my sense? One would be [a holist] if the fact that I am striking a dry, well-made match is functioning as a reason for believing that it will light in the first case, but not in the second or the fourth. But Brandom is not trying to allude to that sort of possibility by his example. His point is rather the sort of phenomenon we find in chemistry: a feature may have a certain effect when alone, even though its combination with another feature will have the opposite effect. One could call this a ‘holistic’ point perfectly sensibly, but it is not holistic in my sense of that term. Holism in my sense is the claim that a feature which has a certain effect when alone can have the opposite effect in a combination. It is one thing to say, as Brandom does, that though a alone speaks in favour of action, a+b speaks as a whole against it; it is another to say that though a speaks in favour of action when alone, it speaks against action when in combination. The difference lies in what is doing the speaking against in cases where features are combined. In the former case (Brandom's) it is the combination; in the latter case (mine) it is the feature that originally spoke in favour.

# Frontlines

## AT Abstraction

#### Virtue ethics is not abstraction. Its focus on character instead of rule following is necessary to overcome the abstraction flaw. SILVIA:

“VIRTUE ETHICS AND COMMUNITARIANISM” by Rui Silva, University of the Azores

“But what went wrong with modern moral theories? We may say that, according to virtue ethicists, **modern** moral **philosophy** commits a fundamental sin when it tries to **ground[s]** moral **action on** a set of universal rules or **principles. Such an approach** to moral life is subject to two major objections. In the first place, it **promotes an abstract account of** the **ethic[s]**al domain **that neglects** some **vital aspects of moral life**: education, **character**, motivation, **happiness** or **emotions.** In fact, **virtue ethics is** characterized by **a focus on real agents, in contrast to** the deontological focus on **duties** or actions (considered independently of their consequences) and the consequentialist focus on the results of actions. In the second place, virtue ethics **[it] claims that moral knowledge cannot be reduced to a system of** rules and **principles;** in other words, moral knowledge **[it] is uncodifiable.** The quotes in epigraph help us to understand the appeal of virtue ethics in comparison with deontological and consequentialists approaches to ethics. These approaches, which dominated modern moral philosophy, suffer from what John Cottingham called a “depersonalizing tendency” (1996: 58). In fact, both perspectives are impersonal accounts of moral action: deontological theories are based on a list of universally valid duties or obligations, whereas consequentialism is guided by equally impersonal rules that are supposed to promote, for instance, collective happiness or welfare. On the contrary, virtue ethics, far from abstracting from the character, motivations and even emotions from the agent, tries to ground moral action in the real agent. This point has a good illustration in McDowell's claim that ethics should be “approached via the notion of a virtuous person. **A conception of right conduct is grasped**, as it were, **from the inside out”** (McDowell, 1998: 50). A similar idea is sometimes expressed by saying that virtue ethics focuses on being, whereas deontological and consequentialist perspectives focus on doing. In other words, **the central question for virtue ethicists is “what sort of person should I be?”; in contrast**, the key question for modern moral philosophers is **[to] “how should I act?”**In the philosophy of the human sciences, there is a distinction between cold methodologies and hot methodologies; in similar vein, we can speak of cold (consequentialism/deontologism) and hot (virtue ethics) approaches to ethics.” (2-3)

#### The NC is also founded in historical grounding of civil rights. Only I explain how we solve for historical injustice.

**Desai summarizes Tessman** Tessman, Lisa. *Burdened virtues: Virtue ethics for liberatory struggles*. Oxford University Press, 2005.<http://vbriefly.com/2016/04/11/philosophy-and-oppression-by-shrey-desai/>

This phenomenon also has historical precedent. **The use of virtues was empirically successful in bringing down oppressors during the Civil Rights movement. Dr. Martin Luther King**, Jr. was an important moral authority for the United States; **he encouraged the discipline of nonviolence and tolerance in order to spread racial justice. The methods that Dr. Martin Luther King, Jr. used were morally praiseworthy, and ultimately, successful**. The Civil Rights Act of 1964 proved that **policymakers in the** United States federal **government had come to terms with their vices** and were cognizant of the racism that had infiltrated the nation. **The same white supremacists that had segregated African-Americans were forced to develop a moral conscience and inculcate virtues such as respect and compassion** that allowed them to view the African-American people as equals. **Moral integrity and the promotion of virtue were not only effective but also essential in stopping real world oppression.**

#### Particularism is key to combatting oppression- root cause claims fail to understand specific instances of oppression and cannot guide action.

Gregory Fernando **Pappas** [Texas A&M University] “The Pragmatists’ Approach to Injustice”, The Pluralist Volume 11, Number 1, Spring 20**16.**

The pragmatists’ approach should be distinguished from nonideal theories whose starting point seems to be the injustices of society at large that have a history and persist through time**,** where the task of political philosophy is to detect and diagnose the presence of these historical injustices in particular situations of injustice. For example, critical theory today has inherited an approach to social philosophy characteristic of the European tradition that goes back to Rousseau, Marx, Weber, Freud, Marcuse, and others. Accord- ing to Roberto Frega, this tradition takes society to be “intrinsically sick” with a malaise that requires adopting a critical historical stance in order to understand how the systematic sickness affects present social situations. In other words,this approach assumes that¶ a philosophical critique of specific social situations can be accomplished only under the assumption of a broader and full blown critique of soci- ety in its entirety: as a critique of capitalism, of modernity, of western civilization, of rationality itself**.** The idea of social pathology becomes intelligible only against the background of a philosophy of history or of an anthropology of decline, according to which the distortions of actual social life are but the inevitable consequence of longstanding historical processes. (“Between Pragmatism and Critical Theory” 63)¶ However, this particular approach to injustice is not limited to critical theory. It is present in those Latin American and African American political philosophies that have used and transformed the critical intellectual tools of ¶ critical theory to deal with the problems of injustice in the Americas. For instance, Charles W. Mills claims that the starting point and alternative to the abstractions of ideal theory that masked injustices is to diagnose and rectify a history of an illness—the legacy of white supremacy in our actual society.11 The critical task of revealing this illness is achieved by adopting a historical perspective where the injustices of today are part of a larger historical narrative about the development of modern societies that goes back to how Europeans have progressively dehumanized or subordinated others. Similary, radical feminists as well as Third World scholars, as reaction to the hege- monic Eurocentric paradigms that disguise injustices under the assumption of a universal or objective point of view, have stressed how our knowledge is always situated. This may seem congenial with pragmatism except the locus of the knower and of injustices is often described as power structures located in “global hierarchies” and a “world-system” and not situations.12¶Pragmatismonly questions that we live in History or a “World-System” (as a totality or abstract context) but not that we are in history (lowercase): in a present situation continuous with others where the past weighs heavily in our memories, bodies, habits, structures, and communities. It alsodoes not deny the importance of power structures and seeing the connections be- tween injustices through time, but there is a difference between (a) inquiring into present situations of injustice in order to detect, diagnose, and cure an injustice (a social pathology) across history, and (b) inquiring into the his- tory of a systematic injustice in order to facilitate inquiry into the present unique, context-bound injustice.To capture the legacy of the past on present injustices, we must study history but also seek present evidence of the weight of the past on the present injustice.¶ If injustice is an illness, then the pragmatists’ approach takes as its main focus diagnosing and treating the particular present illness, that is, the particular situation-bound injustice and not a global “social pathology” or some single transhistorical source of injustice. The diagnosis of a particular injustice is not always dependent on adopting a broader critical standpoint of society in its entirety, but even when it is, we must be careful to not forget that such standpoints are useful only for understanding the present evil. The concepts and categories “white supremacy” and “colonialism” can be great tools that can be of planetary significance. One could even argue that they pick out much larger areas of people’s lives and injustices than the categories of class and gender, but in spite of their reach and explanatory theoretical value, they are nothing more than tools to make reference to and ameliorate particular injustices experienced (suffered) in the midst of a particular and unique re- lationship in a situation. No doubt many, but not all, problems of injustice are a consequence of being a member of a group in history, but even in these cases, we cannot a priori assume that injustices are homogeneously equal for all members of that group. Why is this important? The possible pluralism and therefore complexity of a problem of injustice does not always stop at the level of being a member of a historical group or even a member of many groups, as insisted on by intersectional analysis. There may be unique cir- cumstances to particular countries, towns, neighborhoods, institutions, and ultimately situations that we must be open to in a context-sensitive inquiry. If an empirical inquiry is committed to capturing and ameliorating all of the harms in situations of injustice in their raw pretheoretical complexity, then this requires that we try to begin with and return to the concrete, particular, and unique experiences of injustice.¶ Pragmatism agrees with Sally Haslanger’s concern about Charles Mills’s view. She writes: “The goal is not just a theory that is historical (v. ahistori- cal), but is sensitive to historical particularity, i.e., that resists grand causal narratives purporting to give an account of how domination has come about and is perpetuated everywhere and at all times” (1). For “the forces that cause and sustain domination vary tremendously context by context, and there isn’t necessarily a single causal explanation; a theoretical framework that is useful as a basis for political intervention must be highly sensitive to the details of the particular social context” (1).13¶ Although each situation is unique, there are commonalities among the cases that permit inquiry about common causes. We can “formulate tentative general principles from investigation of similar individual cases, and then . . . check the generalizations by applying them to still further cases” (Dewey, Lectures in China 53). But Dewey insists that the focus should be on the indi- vidual case, and was critical of how so many sociopolitical theories are prone to starting and remaining at the level of “sweeping generalizations.” He states that they “fail to focus on the concrete problems which arise in experience, allowing such problems to be buried under their sweeping generalizations” (Lectures in China 53).¶ The lesson pragmatism provides for nonideal theory today is that it must be careful to not reify any injustice as some single historical force for which particular injustice problems are its manifestation or evidence for its exis- tence. Pragmatism welcomes the wisdom and resources of nonideal theories that are historically grounded on actual injustices, but it issues a warning about how they should be understood and implemented. It is, for example, sympathetic to the critical resources found in critical race theory, but with an important qualification. It understands Derrick Bell’s valuable criticism as context-specific to patterns in the practice of American law. Through his inquiry into particular cases and civil rights policies at a particular time and place, Bell learned and proposed certain general principles such as the one of “interest convergence,” that is, “whites will promote racial advantages for blacks only when they also promote white self-interest.”14 But, for pragma- tism, these principles are nothing more than historically grounded tools to use in present problematic situations that call for our analysis, such as deliberation in establishing public policies or making sense of some concrete injustice. The principles are falsifiable and open to revision as we face situation-specific injustices. In testing their adequacy, we need to consider their function in making us see aspects of injustices we would not otherwise appreciate.15

## AT Consequentialism

### Top Level Dump

#### Consequentialism is incoherent:

#### 1. induction fails. Induction assumes that things will always happen the same way in the future as they have in the past. But this begs the question of how we know what happened in the past will happen in the future. Thus, induction is logically fallacious.

#### 2. prediction is impossible. Any action can lead to a domino effect that can have disastrous impacts in the end. For example, if I sneeze, it could lead to a butterfly effect that eventually causes my sneeze to form into a hurricane and kill thousands.

#### 3. Consequentialism cannot guide action without some other external framework. Morality must be action guiding, but saying a certain action is bad requires a reason for it, which exists external to consequences since reason must be grounded in a priori truth.

#### 4. Everything that is good is must be good for someone but there is no aggregate agent for whom aggregate value can be good.

#### 5. Consequentialism is irresolvable because if a bigger harm can outweigh a smaller, there’s always a non-zero chance of a bigger harm in the future and there’s no non-arbitrary point at which consequences stop being relevant

### AT Parfit

#### That you only have a single body that cannot carry out contradictory movements serves to disprove Parfit’s split brain argument.

**Korsgaard** Korsgaard, Christine. 1989. Personal identity and the unity of agency: A Kantian response to Parfit. Philosophy and Public¶ Affairs 18, no. 2: 101-132.

Your conception of yourself as a unified agent is not based on a metaphysical theory, nor on a unity of which you are conscious. Its grounds are practical, and it has two elements. First, there is the raw necessity of eliminating conflict among your various motives. In making his argument for Reductionism, Parfit appeals to a real-life example which has fascinated contemporary philosophers: persons with split brains.(245-246) When the corpus callosum, the network of nerves between the two hemispheres of the brain, is cut, the two hemispheres can function separately. 19 In certain experimental situations, they do not work together and appear to be wholly unconscious of each other's activities. These cases suggest that the two hemispheres of the brain are not related in any metaphysically deeper way than, say, two people who are married. They share the same quarters and, with luck, they communicate. Even their characteristic division of labor turns out to be largely conventional, and both can perform most functions. So imagine that the right and left halves of your brain disagree about what to do. Suppose that they do not try to resolve their differences, but each merely sends motor orders, by way of the nervous system, to your limbs. Since the orders are contradictory, the two halves of your body try to do different things. 20 Unless they can come to an agreement, both hemispheres of your brain are ineffectual. Like parties in Rawls's original position, they must come to a unanimous decision somehow. You are a unified person at any given time because you must act, and you have only one body with which to act.

### AT Bostrom

#### Begs the question of uncertainty- I’ll destroy you on the framework debate so there don’t be uncertainty

#### Definitionally the fallacy of origin—just because life is a prerequisite for anything doesn’t mean that it comes first.

#### Circular justification—pursuing objective truth as a consequence presupposes a consequentialism framework, but the same argument is being used to justify consequentialism.

#### policy paralysis because everything has a “risk” of extinction—we can’t do anything because all alternatives have a link to extinction.

#### We can’t aggregate knowledge. Putting people together doesn’t mean more knowledge, so having more lives and time won’t achieve ethical consensus.

### AT Naturalism

#### Naturalism is epistemically flawed. Warrants for moral theories must come prior to existence.

Stelzig B.A (Tim, March, “COMMENT: DEONTOLOGY, GOVERNMENTAL ACTION, AND THE DISTRIBUTIVE EXEMPTION: HOW THE TROLLEY PROBLEM SHAPES THE RELATIONSHIP BETWEEN RIGHTS AND POLICY”, 146 U. Pa. L. Rev. 901, Lexis Law, S) 1998.

Take first the epistemological problem. Every view of morality must ultimately give some account of how it is that we come to know what is right. An otherwise impressive moral metaphysics is pointless if epistemologically implausible. 103 With general norms, it is plausible that we may come to learn them gradually, refining our understanding through practice. Naturalistically learning through practice, however, is foreclosed to one who sees deontology as both pervasive and particularist. Almost every situation is morally different from the rest, even if only slightly so. If deontology is exhaustive of morality, there must be a separate injunction for each situation. The epistemological [\*922] problem is that learning an essentially infinite number of separate rules to govern our conduct is implausible

#### Is-ought fallacy—naturalism says we derive what we ought to do from what is already happening.

#### Begs the question—naturalism can only prove itself true without the use of non-natural logic.

#### Non-verifiable—people have different sensory experiences which makes the natural world different for different people. It’s impossible to come up with a stable ethical theory from that.

### AT Goodin/Woller

#### 1. The constitution is a side constraint so governments can’t be fully util.

#### 2. Impact Justified- the only reason we care about util in this sense is to have a stable government but there no reason why this is good.

#### 3. Governments are internally in disagreement which means policies enacted will always have a bais. This means Util wouldn’t solve since the trade-off argument is already skewed.

#### 4. Presumes util is the only theory that can account for tradeoffs. That's what makes this argument unique but other theories satisfy this. Aristotle balances virtues, kant balances perfect and imperfect duties which non uniques your arguments.

#### 5. PM only care about tradeoffs relevant to their constituents. The mayor of dallas doesn't care about its surroundings so they can enact an isolated util policy that can actually hurt more people outside of dallas.

### AT No AOD

#### 1. Doesn't justify util. Simply means you have to account for tradeoffs when making a decision which is not unique to util i.e deont can weigh between imperfect and perfect duties, Aristotle weighs between virtues.

#### 2. Impact justified, doesn’t warrant why the state legitimacy is necessary for obligations, rather just says state would be illegitimate if it didn't account for tradeoffs.

#### 3. Presumes states know all possible tradeoffs because the warrant is that when you chose x you implicitly chose not to do y, but that is only true if you were aware of x trading off with y, since awareness might shift what you pick, so omissions are not the same because it presumes you implicitly chose not to take an action but you can only imply this if you knew about it in the first place.

#### 4. Presumes util in the first place so it can’t be used to justify util. The argument is that choosing x trades off with y, so we are responsible for the effects of y but a means based theory would not have a problem because even if choosing x trades off, the intent is what matters so choosing x without intending the effects of y means that your omission for y is not the same as an action.

### AT Epistemology

#### 1. The argument is self-defeating. If we can only form moral judgments from our experience we cannot value others’ pain and pleasure because that is something epistemically inaccessible to us. We can never know if others feel pain and pleasure as good and bad because we do not have the same experience so you have no reason to aggregate the good, rather you are justified in only increasing your own good.

#### 2. Experiences differ which means that the connection between normative concepts and experience will always differ between subjects so you can’t aggregate the good based on experience.

#### 3. We can always have new experiences, which means there’s always the possibility of linking pain to good and pleasure to bad making your ethic unstable.

### AT NEC

#### The entirety of logic presupposes consequentialism since he assumes that what is intrinsically good or bad, i.e. what we take actions to enable, are states of affairs rather than actions themselves. For example, I could have a reason to not lie *not* because it enables some better state of affairs, but because lying is an intrinsically bad action.

#### I have a reason to take an action insofar as I *think* that it will enable me to pursue good, even if it doesn’t actually enable good.

#### This is the is-ought fallacy—even if people descriptively adopt reasons to enable good or prevent bad, that doesn’t mean we *should* base our ethical theories on that. The argument uses descriptive facts to justify normative reasons.

#### This doesn’t prove that we care about end states- just what ends we can set and pursue- which collapses into agency since I can give an account of this.

### AT RE

#### Turn- reflective equilibrium yields a basic freedom principle – we ought to protect individuals’ ability to pursue their own conception of the good.

Ripstein 04 UNIVERSITY OF TORONTO Faculty of Law PUBLIC LAW AND LEGAL THEORY RESEARCH PAPER NO. 04-02 THE DIVISION OF RESPONSIBILITY AND THE LAW OF TORT ARTHUR RIPSTEIN [Professor of Law and Philosophy, University of Toronto]

In treating the contract as an expository device, Rawls seeks to underscore the way in which the argument is part of a more general strategy of justification. In A Theory of Justice, Rawls characterizes the broader strategy as “reflective equilibrium,” the reconciliation of our normative commitments to both general principles and particular considered judgments.25 **Where judgment and principle diverge, one must give way**; **through the reflective back and forth of mutual adjustment, we arrive at principles that are defensible both at the level of** **generality** at which they are posed, **and** also at the more specific level of **particularity** that they demand when applied to particular examples. **No principle is immune to revision [from]** on the grounds that it leads to unacceptable consequences in **a particular case**; and no particular considered judgment is sacrosanct if it is at odds with general principles with which we find ourselves no choice but to endorse. In light of this general strategy, it is no surprise that Rawls construes the parties to the original position as strongly averse to risk. Those who wish to use the contract argument to yield a result closer to utilitarianism might point out that people are, as a matter of fact, variable in their willingness to take on risks, and that, again, as a general matter, the “maximin” strategy26 that Rawlsian choosers employ is irrational in most of the contexts of ordinary life. The strategy of reflective equilibrium provides a ready answer: the parties are not choosing anything ordinary, and so, their **principles of choice should be guided by** their **highest-order interest in protecting their own ability to pursue and revise their own conception of a good**. Again, other critics have suggested that parties in the original position would choose material equality rather than the difference principle,27 or that they would choose to extend the first principle to include economic as well as political liberties. Again, Rawls has a ready answer in terms of reflective equilibrium: **parties in the original position, concerned with protecting their own ability to pursue their own conception of the good life,** whatever that turns out to be, would want both as much freedom as possible—hence the first principle—**and also as many means at their disposal as possible**—**hence the difference principle**, **which allows inequalities where they work to** the benefit of all, that is, where they **increase the means that each person has** at his or her disposal. I regard these Rawlsian rejoinders to the utilitarian, egalitarian, and libertarian objectors as convincing. I think that Rawls is right to say that **the capacity to set and pursue one’s own conception of the good is a more basic moral concern than** **the derivative concern with maximizing** one’s expected welfare (which yields **utilitarianism**), equalizing one’s comparative share of resources (which yields **egalitarianism**), **or** minimizing the legal limits on one’s range of pursuits (which yields **libertarianism**). From Rawls’s point of view, **each of these interests must be regarded as derivative**.

#### Induction is impossible.

**Bates** Jared Bates (Department of Philosophy, Hanover College) “The Old Problem of Induction and the New Reflective Equilibrium” dialectica Vol. 59, N° 3 (2005), pp. 347–356

The problem of induction was presented in its most urgent form by Hume, who also gave it its inevitable, skeptical solution. 2 He exhorts us to provide the ground for our inductive inferences, our ‘reasoning concerning matters of fact’. The problem involves the logical tension between three individually compelling statements: (1) Inductive inference is not justified a priori. (2) Inductive inference is not justified [or] a posteriori. (3) Inductive inference is (at least sometimes) justified. Assuming that all justification is either a priori or a posteriori, (1), (2), and (3) form an inconsistent triad. Any two of them entails the denial of the other. The tension between claims (1), (2), and (3) is problematic only if we have some inclination to accept them all. And we do. (3) is the most obvious of them. I cannot write this sentence without making countless inductive inferences. You cannot understand this sentence without making countless inductive inferences. We’re strongly inclined to think that most of those inferences are justified. Yet reasons for (1) and (2) are hard to deny. Hume identifies the principle of the uniformity of nature as the principle underlying our inductive inferences. When I have observed sufficiently many green emeralds, and no non-green ones, I may infer that the next emerald I see will be green, or that all emeralds are green. But underlying this inference is the assumption that nature is uniform, that it is subject to immutable laws, that the future will resemble the past. So the question what grounds our inductive inferences reduces to the simpler question what grounds our acceptance of the uniformity principle. And here is where Hume digs in his heels. The uniformity principle is not justified a priori. It is logically possible that regularities that have held up to now will suddenly cease to hold; laws of nature are not after all laws of logic. Nor is the uniformity principle justified a posteriori. We cannot reason from experience that regularities that have held up to now will continue to hold into the future. For such reasoning itself assumes that the future will resemble the past, and so begs the question. Thus, despite our unshakable impulse toward (3), there are good arguments for (1) and (2). For Hume, the solution was clear: The arguments for (1) and (2) are unassailable; he recognized that (1) and (2) together entail the denial of (3); so he was forced to abandon (3), and concluded that inductive inference is irrational.

#### Reflective equilibrium dies to the problem of induction.

**Bates 2** Jared Bates (Department of Philosophy, Hanover College) “The Old Problem of Induction and the New Reflective Equilibrium” dialectica Vol. 59, N° 3 (2005), pp. 347–356

I said in the beginning that the reflective equilibrium method, under current views, cannot provide a Goodman-style dissolution of the problem of induction. It is almost time to show why this is the case. But before I do, I want to attend to an apparent ‘way out’ of the conclusion I am about to draw. That is, if, as I will argue, current views of reflective equilibrium lead to the demise of dissolving the problem of induction, then it might be regarded as a cogent strategy to part company with Goldman and his ilk by maintaining that reflective equilibrium is not at all an empirical methodology akin to hypothetico-deductivism, but rather a purely a priori, conceptual methodology. If this strategy is cogent, then the dissolution of the problem of induction remains available to those who endorse the strategy, whatever the consequences for a sufficiently naturalized reflective equilibrium. 5 In the remainder of this section, I want to offer some reason to think that Goldman and company are right that reflective equilibrium is an empirical methodology in virtue of the fact that evidence provided by our linguistic intuitions is straightforwardly empirical evidence, and therefore cannot guarantee a priori results. Initially, this point is simply made. Consider Goodman again on reaching a point of agreement between deductive rules and our particular judgments about cases of deduction: ‘A rule is amended if it yields an inference we are unwilling to accept; an inference is rejected if it violates a rule we are unwilling to amend’ (Goodman 1955, 68). Whether we are unwilling to accept an inference and whether we are unwilling to amend a rule are both empirical matters. That is, it is an empirical fact, if it is a fact at all, that we are unwilling to reject (or revise) modus ponens in light of purported counterexamples. There is a fact of the matter about what are our inclinations or dispositions, and this matter is empirical. Empirical evidence cannot certify a priori results. To this it may be responded that while it may be an empirical matter whether anyone in particular has certain linguistic dispositions – for example, a disposition to call a particular inference ‘valid’ – it is a non-empirical matter whether a competent speaker of the language has certain linguistic intuitions. On this view, while it may be an empirical matter whether anyone in particular is disposed to apply ‘bachelor’ to someone she knows to be married, it is not an empirical matter whether a competent speaker of the language is disposed to apply ‘bachelor’ to someone she knows to be married. On this view, we know – and crucially we know non-empirically – that a competent speaker of the language is not inclined to apply ‘bachelor’ to someone she knows to be married. Or perhaps more to the point, competent speakers themselves know, and know non-empirically, that ‘bachelor’ does not apply to someone who is married. Thus, if we return to the Goodman passage quoted above, and substitute ‘competent speaker’ for ‘we’, we get an importantly different view: ‘A rule is amended if it yields an inference [competent speakers] are unwilling to accept; an inference is rejected if it violates a rule [competent speakers] are unwilling to amend’. The reflective equilibrium test described in this version of the passage is non-empirical if it is a non-empirical matter what competent speakers’ linguistic dispositions are – at least, if it is a non-empirical matter from the competent speakers’ perspective. However, I doubt seriously the view that competent speakers’ linguistic dispositions can be known non-empirically, even from the perspective of competent speakers themselves. This view raises the question what constitutes linguistic competence. I take it that competence is determined, at least in part, by the extent to which a speaker’s linguistic dispositions coincide with the linguistic dispositions of others in her linguistic community